

STAND. COM. REP. NO.

1275

Honolulu, Hawaii

MAR 17, 2023

RE: S.B. No. 236

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirty-Second State Legislature
Regular Session of 2023
State of Hawaii

Sir:

Your Committee on Higher Education & Technology, to which was referred S.B. No. 236 entitled:

"A BILL FOR AN ACT RELATING TO VICTIM-COUNSELOR PRIVILEGE,"

begs leave to report as follows:

The purpose of this measure is to:

- (1) Expand the victim-counselor privilege under the Hawaii Rules of Evidence to include confidential advocates employed by the University of Hawaii; and
- (2) Increase the minimum number of hours of training a domestic violence victims' counselor must complete to be considered a victim counselor.

Your Committee received testimony in support of this measure from the University of Hawai'i System, Hawaii State Democratic Women's Caucus, Hawai'i State Coalition Against Domestic Violence, Imua Alliance, Democratic Party of Hawai'i Education Caucus, The Sex Abuse Treatment Center, and six individuals.

Your Committee finds that when Act 208, Session Laws of Hawaii 2016, was enacted, the Legislature required the University of Hawaii to designate confidential advocates at each campus to provide confidential advocacy support to victims of sexual harassment, sexual assault, domestic violence, dating violence,

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and stalking. However, the law did not provide a mechanism to guarantee confidentiality to students and employees seeking services of campus-based advocates. Moreover, the privilege does not apply to the University based on the definition of victim counseling programs under the existing statute.

Your Committee further finds that, despite the availability of a confidential advocate at the University, confidentiality concerns remain a deterrent to seeking assistance. This measure seeks to provide the mechanism needed to alleviate a complainant's fear that disclosure could lead to retaliation, further abuse, or harassment.

As affirmed by the record of votes of the members of your Committee on Higher Education & Technology that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 236 and recommends that it pass Second Reading and be referred to your Committee on Judiciary & Hawaiian Affairs.

Respectfully submitted on
behalf of the members of the
Committee on Higher Education &
Technology,


AMY A. FERRUSO, Chair



State of Hawaii
House of Representatives
The Thirty-second Legislature

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Record of Votes of the Committee on Higher Education & Technology

Bill/Resolution No.: SB236	Committee Referral: HET, JHA, FIN	Date: 03/15/2023		
<input type="checkbox"/> The committee is reconsidering its previous decision on the measure.				
The recommendation is to: <input checked="" type="checkbox"/> Pass, unamended (as is) <input type="checkbox"/> Pass, with amendments (HD) <input type="checkbox"/> Hold <input type="checkbox"/> Pass short form bill with HD to recommit for future public hearing (recommit)				
HET Members	Ayes	Ayes (WR)	Nays	Excused
1. PERRUSO, Amy A. (C)				✓
2. KAPELA, Jeanne (VC)	✓			
3. EVSLIN, Luke A.	✓			
4. LA CHICA, Trish	✓			
5. MARTEN, Lisa	✓			
6. MARTINEZ, Rose	✓			
7. MATAYOSHI, Scot Z.	✓			
8. QUINLAN, Sean				✓
9. TODD, Chris	✓			
10. WOODSON, Justin H.	✓			
11. GARCIA, Diamond				✓
TOTAL (11)	8	0	0	3
The recommendation is: <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted If joint referral, _____ did not support recommendation. <small>committee acronym(s)</small>				
Vice Chair's or designee's signature:				
Distribution: Original (White) – Committee Duplicate (Yellow) – Chief Clerk's Office Duplicate (Pink) – HMSO				